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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SAIGUT S.A. de C.V., a Mexican corporation; and SAIPEM S.A., a French corporation,

Plaintiffs,

v.

SEMPRA ENERGY, a California corporation; SEMPRA LNG, a Delaware corporation; ENERGIA COSTA AZUL, S. de R.L. de C.V., a Mexican corporation; BVT LNG COSTA AZUL, S. de R.L. de C.V., a Mexican corporation; COSTA AZUL BMVT, S.A. de C.V., a Mexican corporation; BLACK & VEATCH CORPORATION , a Delaware corporation; TECHINT S.A. de C.V., a Mexican corporation; THE KLEINFELDER GROUP, INC., a California corporation; ARUP NORTH AMERICA LIMITED, a United Kingdom corporation; ARUP TEXAS, INC., a Texas corporation; WHESSOE OIL & GAS LIMITED, a United Kingdom corporation; Q & S ENGINEERING, INC., a California corporation; and DOES 1 through 20, inclusive

Defendants.

No. 08 CV 0478 JM BLM

DECLARATION OF MARK A. STUMP IN SUPPORT OF BLACK & VEATCH CORPORATION'S RESPONSE TO THE COURT'S APRIL 9, 2008 ORDER TO SHOW CAUSE

DECLARATION OF MARK A. STUMP

I, Mark A. Stump, declare:

1. I am an attorney licensed to practice in the State of California. I am a shareholder in Wulfsberg Reese Colvig & Firstman Professional Corporation, counsel of record for defendant Black & Veatch Corporation. I have personal knowledge of the facts set forth in this Declaration and could and would competently testify thereto under oath if called as a witness.
2. The Court's April 9, 2008 Order to Show Cause required the Plaintiffs to show cause why this case should not be dismissed for lack of diversity jurisdiction. Plaintiffs' deadline for submitting responsive briefing was April 23, 2008.
3. On the afternoon of April 22, 2008, Raymond Loughrey, counsel for plaintiffs SaiGut and Saipem, telephoned me to tell me that SaiGut and Saipem planned to dismiss the federal court action pending between his clients and mine and refile it in California state court in the next few days.
4. On April 23, in lieu of filing a response to the Order to Show Cause, Plaintiffs filed a "Stipulation for Dismissal Without Prejudice" which, however, was not signed by all parties who have appeared in the case. The next day, the Court's staff recharacterized the "Stipulation" as a "Joint Motion for Dismissal Without Prejudice". To my knowledge, Plaintiffs have taken no further action to have the case dismissed.
5. On April 29, 2008, Plaintiffs filed an action in San Diego County Superior Court (Case No. 37-2008-82862-CU-CD-CTL) that is nearly identical to this case. Plaintiffs' counsel emailed me a courtesy copy of the complaint in the San Diego County action the same day. I am further informed and believe that all parties who had been served with plaintiffs' Federal complaint consented to service of the San Diego County action. A true and correct copy of the May 1, 2008 e-mail from Michelle Crawford, secretary to plaintiff's counsel, on which I base this belief is attached as Exhibit 1. I received a service copy of the San Diego County complaint on May 2, 2008.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 2, 2008, at Oakland, California.

DATED: May 2, 2008

WULFSBERG REESE COLVIG & FIRSTMAN
PROFESSIONAL CORPORATION

By /s/ Mark A. Stump
MARK A. STUMP
Attorneys For Defendant
BLACK & VEATCH CORPORATION

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Exhibit 1

Richard E. Elder

From: Crawford, Michelle K. [michelle.crawford@klgates.com]

Sent: Thursday, May 01, 2008 9:01 AM

To: kmcdonnell@sempra.com; aheppler@sempra.com; kcramer@gordonrees.com; bhunt@gordonrees.com; cmariam@gordonrees.com; eguzman@gordonrees.com; dlspeckman@hotmail.com; Mark Stump; Lesley E. Neil; Madeleine K. Bauzon; Richard E. Elder

Cc: Parker, Ted; Loughrey, Raymond E.

Subject: Saipem SA v. Sempra Energy, San Diego Superior Court, Case No. 37-2008-82862-CU-CD-CTL

Attachments: Civil Case Cover Sheet 4-28-08.pdf; Ntc to Litigations ADR Info Package.pdf; Notice of Case Assignment.pdf; Stip to ADR Process 4-28-08.pdf; Electronic Filing and Service Order 4-29-08.pdf; Issued Summons 4-29-08.pdf; Saipem-Saigut Complaint (4-28-08).pdf

Counsel:

We are mailing service copies of the Superior Court complaint today. Thank you for your courtesy in agreeing to accept service. We return the courtesy by enclosing another copy of the following documents as an attachment to this email.

- Summons
- Complaint
- Civil Case Cover Sheet
- Electronic filing and Service Order
- Stipulation to ADR Process
- Notice to Litigants ADR Information Package
- Notice of Case Assignment

<<Civil Case Cover Sheet 4-28-08.pdf>> <<Ntc to Litigations ADR Info Package.pdf>> <<Notice of Case Assignment.pdf>> <<Stip to ADR Process 4-28-08.pdf>> <<Electronic Filing and Service Order 4-29-08.pdf>> <<Issued Summons 4-29-08.pdf>> <<Saipem-Saigut Complaint (4-28-08).pdf>>

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